

**COORDINATION TESTIMONY - SB 117**

**January 17, 2011**

**Senate Local Govt. Comm.**

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Bill No. SB 117

Mr. Chairman, members of the Committee - My name is Dan Happel, spelled HAPPEL, I am a Madison County Commissioner and I live on a ranch near Pony.

Thank you for allowing me to speak before your group.

We all recognize that our Federal Government has all but eliminated meaningful local control from the national/international mandates that affect the daily lives and property rights of our citizens. The Federal Government has turned our form of government from the bottom up, local control system envisioned by our founders to a system of top down rule from above controlled by a select few and managed by unelected bureaucrats and special interest groups known as NGOs. We have gone from a system meant to promote unalienable God given rights, to a system of draconian laws and interventions meant to deny those rights.

The National Environmental Policy Act of 1969 was written to provide meaningful interaction between environmental interests and property owners to assure that all interests were served and the environment could be protected for future generations while also protecting the rights of individuals and the cornerstone freedom of our republic.....the right to own and productively use private property.

Built into the NEPA was a process called coordination that mandated that any state or local governmental body requesting coordination would be allowed an equal seat at the table with any Federal governmental body requesting a more restrictive land use or environmental policy. This was intended to protect the rights and livelihoods of land owners as well as fostering wise environmental laws.

It also put the cost and burden of proof on the unit of government requesting the more restrictive policies to assure that rules and regulations were well researched and truly served the citizens and their rights. Since the cost was to be bourn by the requester, it would limit intrusions into individual rights to important issues that could easily be won.

To be included into the coordination process, you must be a form of government elected or appointed and officially recognized as such. This was intended to keep unelected special interest groups, funded through private sources, out of the final decision making process.

Initially, private interest groups and NGOs were very supportive of the NEPA because they wanted much stronger environmental laws in place to support their agenda.....that is until they realized that they were left out of the decision making process and could not have a seat at the table unless they were elected or appointed by the citizens.

At that point they began to work diligently to bury the coordination provisions of the NEPA and to convince Federal, state and local governments to use a process called "cooperative agency or cooperation" in lieu of the much stronger Coordination. Under the cooperation or cooperative agency umbrella, NGOs and special interest groups were allowed to become part of the decision making process and the power of local governments to have an equal seat at the table evaporated. Cooperation does not carry the connotation of equal parties.....under cooperation a superior party may cooperate with an inferior party without relinquishing control. According to the Merriam Webster dictionary coordination carries the connotation of equal parties working together to achieve a common goal.

Now let's fast forward to issues that impact Montanans in very meaningful ways like: wolf re-introductions, endangered species regulations, clean water regulations, brucellosis policies, wilderness takings, National Monument designations and a host of draconian laws and regulations that have reduced property owners to little more than tenants on their own lands.

Have we really had a meaningful seat at the table as these laws are formulated and handed down from above with little regard for the lives and sacrifices of property owners? Do land owners have an equal seat, or is it the special interest groups and NGOs that control the process with their highly paid lobbyists and D.C. lawyers sitting in the laps of US Senators Congressmen, and Cabinet agencies. Meanwhile the common man sits with a stunned look of bewilderment at how few rights he still holds and farmers and ranchers lose the ability to make decisions and protect their property from decisions being made by urban planners and environmental extremists.

You have the rare opportunity to stand up and protect the people that elect you, in a meaningful way. If decisions from above are truly in the

interests of our rural citizens, then an equal seat at the table will only enhance the process and add validity to the process of representative government. If however the decisions are meant to strip away the rights of citizens to own and manage their own property or to protect outside special interests from exposure of their true motives, then this coordination mandate will provide the guarantees of fairness intended by the original NEPA law.

If you will provide the teeth for local and state governments to be an equal and active part of the decision making process, you will be exhibiting the best characteristics of bottom up representative government.

There is no down side to greater and more equitable local control of the decision making process.....that is unless you believe in authoritarian rule and absolute control from above.

Please give local, County and State government the tools to help manage our own resources and lands. Give us the opportunity to add a voice for local control by average citizens within the borders of our state. Please replace the cooperative agency status that the state now recognizes with a coordination policy that gives us that equal seat at the table.

Thank you again for allowing me the opportunity to speak with you on this important legislation. I will be happy to answer any questions that you may have at the appropriate time.